App. F. IX-4

1930-31
Law

File No. 82-3
Serial Nos. 142

Previous References
Law 82/104-29
Ft 326-29, 1-2

Later References
Law 82-30 3/4.
" 82-30 — 8 — 10
" 82-30 — 11 — 14
" 83 — 30 — 15 — 18
" 82 — 30 — 19 — 22

(11)

General and Revenue Secretariat.

Serial Nos. Two

Part B for January 1931

SUBJECT.

Filing of an interpleader suit — in connection with certain deposited valuables deposited by the late Rajah Muthiah Chetty of Sivagunga

2. To the A.G. Madras
No. 39389 7.1.31
Letter re an interpleader suit under Sec 88 & 96 impleading all the claimants as defendants may be instituted in a Court of Law

J. J. Reuben
17.1.31

G. R. S. APP F. III—1] 1930

GENERAL AND REVENUE SECRETARIAT.

(Law)

NOTES.

File No. 82-30

FILE HEADING.

filing of an interpleader Suit.

FROM The D.C. Tuticorin

No. M1-e 11610 Dated 9th Dec 1930 Received 10.12.30

Diary No. 2932	Enclos.	Spare copies	Serial No. 1

BRIEF ABSTRACT OF LETTER.

stating that the claimants to the box of valuables deposited by the late Bandu Muthaveeha of Siva in the Sivaganga Taluk treasury, are not willing to proceed to the Court to establish their rights and requesting instructions to file an interpleader suit under such circumstances

NOTES AND ORDERS.

The D.C. Tuticorin Dist states that the claimants being known, and endorsements sent to them the property cannot be treated as unclaimed. The interest of the Govt rests only to the extent of recovering the detention fee and obtaining a legal quittance of the box. Under such circumstances the safest

NOTES—First Sheet.

WD 01683—GPB—5,000—3-5-29

Serial No.

GENERAL MISCELLANEOUS 3915 15 DEC.

Procedure is to have recourse to section of the Civil Procedure Code and file an interpleader suit in a Court of law citing rival claimants as defendants for obtaining a decision as to the person or persons to whom the legal delivery of the property shall be made after receiving the detention fee and Cost of the suit. The entire records Connected with this are also submitted.

In personal orders

TSD 15/12

1) Please put up Law 119 of 1929 - & later refer if any in the Gen. Branch.

MK 12/12

Law 119 of 29 is put up.

To

2) G. M. Br. for favour of putting up law refs if any

TSD 15/12

Subd. There are no references relating to this subject in the G.M.Br. Sd- V Smitten

3) Noted. Rough.

Nos 16/12

file 376-29 (1+2) flag B Rejecting the claim of Bindu madhavachar to the full amount of Sandal, is put up.

MK

(P.T.O.)

NOTE—Contn. Sheet.

WD 02553—GAB—50,000—8 7 30

These papers have nothing to do with this case. The two Bindu madhavachars are different persons — MK 19/12

File No. of 193 | General and Revenue Secretariat

The facts of the cases are as follows:-

b)

On 27-9-1917 one Bindumadhavachar deposited this box containing valuables in the Sira Taluk Treasury, as he was obliged to leave the place on account of plague: and subsequently on 31/12/1917 the man died at Bowringpet. The deceased left behind him his widow Saraswati Bai, a brother by name Keshachar, a deceased brother's son, Srinivasachar nee Venkamma, daughter in law of another deceased brother and Nagamma, widow of Raghavendrachar, the elder brother of ~~the~~ Bindumadhavachar also claim the properties.

1) The widow Saraswati Bai, applied for a succession certificate in O.S. 384 of 18-19 on the file of the Sub Court, Bangalore, and in pursuance of a compromise between the parties, a certificate was granted only with respect to the Savings Bank amount to Saraswati Bai. It is stated in the D.C's order of 13/2/26 that in the Rajamma application the parties wished the property in question, ie the box to be divided among them all

General and Revenue Secretariat | File No. of 193 .

Serial No:

On 14/12/26, Mr. Anandarao Sris, D.C. of Tumkur ordered that the box can be delivered only on the parties giving a joint receipt - Since they could not do this and the ~~to~~ box continued to be in possession of the Treasury, the D.C. Tumkur enquired the Legal R^r as to ~~whether~~ how he had to dispose of the box. In his letter No P 2586 dated 10/12/26, the L.R. stated that the property can be handed over to the person who produces a Succ^n certificate or letters of administration -

It seems the parties are not prepared to go to a Court & get a decision in the matter and since the D.C wants to get rid of his liability as a depositee, he proposes to file an interpleader Suit in the matter and wants legal opinion as to whether such a suit can be filed under the circumstances -

There appears to be no doubt as to the maintainability of such a Suit under Sec 88 C.P.C. The suit may be filed & the box in question delivered over to the custody of the Court - Under

NOTE—Contn. Sheet.

WD 02553—G PB—50,000—8 7 30

rder 35 rule 3, at the first hearing
self the Court may be moved to
ischarge the plaintiff from all liabilit
the defendants, to award him his
Costs & dismiss him from the Suit. Under
rule 6 of the same order, the Court
may give the plaintiff a charge over
the thing claimed or in some other effectu
way, for the costs incurred.

4) So much for the legal question.
But it is really strange why the parties
interested should have not gone to Court
if really the box contains valuables.
The papers in the file do not show wha
the box contains. It appears to have
been sealed & delivered over to the
Treasury in that State. It cannot
therefore be asserted that the Cost
of the proposed interpleader Suit
can be recovered from the property.

5) However the only way in which a
bailee under these circumstances of thi
case can get a legal discharge is
by taking refuge with the Court
by interpleading (Pollock & Mulla
page 624)

Draft

MK

6 29 32

App. F. III—2]

General and Revenue Secretariat | File No. of 193 .

Serial No.

L. R. ordered this file to be forwarded to Govt Advocate for opinion -

BNR
28/12

U.O.No.p42g30
Dt 26th Dec. 1930

Forwarded with compliments to the Government Advocate for favour of opinion & return.

By order
BNRegarao
for Legal Rr & Secy to
Govt, ~~Law Dept~~
24/12/30

F.No.505/30.31
Dt 26.12.30.

Re-transmitted with compliments.

U.O No.76/30.31
Dt 5.1.31.

In the circumstances mentioned, an interplea suit may be instituted by the Deputy Commissioner, Tumkur, impleading all the known claimants as -- defendants. This is the only feasible way of - securing a valid discharge of all his responsibilities as a depositary. Action should accordingly be taken under Section 88 and Order 35 of the Code of Civil Procedure.

M. Ramachandra Rao
Government Advocate
5/1/1931.

CSN.

If appd, the D.C. Tumkur will be informed accordingly.

Chief Sec.

BNR
5/1

Vide
6/1/31

CHIEF SECRETARY
5 JAN. 1931

NOTE—Contd. Sheet.

Draft, please
BNR
6/1

MD 02553—G P B—50,000—8 7 30

2736

File No. of 193 General and Revenue Secretariat

Suit re a dfr accountg

TSD
6/1

Issue
MP
6/1

To

The DC Tumkur

no. P 3930 dated 7th Jan 1931 informing that an interpleader suit under sec 88 of C.P.C pleading all the claimant as defendants may be instituted in a proper Court of

B

TSD
8/1

MP
8/1

1 2932-30 pf 30

No. R.-C 1410—30

Enc. ~~Two~~ Two f'Cs only

OFFICE OF THE DEPUTY COMMISSIONER,
TUMKUR DISTRICT.

Dated Tumkur, the 9th December ..... 193 0.

Loose 82

FROM

G. B. HEBLIKAR, ESQ., B.A., LL.B.,
Deputy Commissioner,
Tumkur District, Tumkur.

To

P. Mahadevayya, Esquire, B.A., B.L.,
Secretary to the Government of H. H. the
Maharaja of Mysore,
Local & Legislative *Department,*
Bangalore.

8889 10/12

SIR,

With reference to your letter No.P. 2586 dated 10-12-1926 and in continuation of my letter No.R.M.1. 809/26-27 dated 3rd December 1926, regarding the return of the box of valuables deposited by the late Bindu Madhavachar of Sira in the Sira Taluk Treasury, I have the honor to state that it is seen from the records that the claimants to the property are not willing to proceed to court to - establish their claim and that the claimants having been known and endorsements sent to them, the property cannot be treated as un - claimed. As the interest of Govt: is limited only to the extent of recovering the detention fee and obtaining a legal quittance for the box, I request to be informed as to whether in the above circumstances an interpleader suit could be filed in a court of law under Section 88 of the Civil Procedure Code citing the several claimants as defendents for obtaining a decision regarding the person or persons to whom the delivery of the box shall be made after recovering the detention fee and costs of the suit and for obtaining indemnity to Government from all claims that may be set up later on.

A reference will also have to be made to the court along with the interpleader application for appointing a commissioner to take an inventory of the articles deposited in the presence of the Amildar and have them re-deposited in a safe box under the seal of the Court,

court, so that it may be treated as judicial property thereafter.

The file of vernacular records together with this office file R.Dis. R.M.1.C. 809/26-27 dated 15-12-1926, on the subject ending with Tumkur District Treasury - Officer's Memo No. Mis. 1/30-31 dated 3-11-1930 is herewith submitted for kind reference and return.

I have the honor to be,

sir,

Your most obedient servant,

For Deputy Commissioner,
Tumkur District.
(Absent from the Station).

AD. 9/12.

9/12

3

Appendix F G—1

SUBJECT.....

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Section Land

File No. 4

Serial No. 2

Diary No. of letter replied to.....

No. 3938 Revenue

General and Revenue Secretariat

( )

the *193* .

To

The Deputy Commr. Trinkn

Date of issue 7/12/31

Signed by Mr Myers

Sir,

With reference to your letter no. R1 - C1410 dated 9th Dec 1930 re: the return of the box of valuables deposited by the late Bindu Madhavacha of Sirsa, in the Sirsa Taluk Treasury, I am directed to state that in the circumstance mentioned in your letter an interpleader suit under sec 88 and order 35 of the C. P. code impleading

List of enclosures.....

Copied by.....

Examined by.....

[over

WD 02559—GPB—25,000—25-6-30

ll the known claimants

s defendant may be

timed, in a proper court of said,

as this is the only feasible way of

securing a valid discharge of the responsibilities of

a depositary in such cases —

I have etc

The records sent with your

letter are herewith returned.

DOP for J. R.M.

JSD
:1

4

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. 3933 Revenue Laws

Dated, Bangalore, 7th January 1931.

From

The Chief *Secretary to the Government of His Highness the Maharaja of Mysore,*
Law Department

To

The Deputy Commissioner,
T u m k u r.

Sir,

With reference to your letter No.N-C 1410 dated 9th December 1930 regarding the return of the box of valuables deposited by the late Bindu Madhavachar of Sira, in the Sira Taluk Treasury, I am directed to state that in the circumstances mentioned in your letter an interpleader suit under Sec.88 and order 35 of the Civil Procedure Code impleading all the known claimants as defendants may be instituted, in a proper court of law, as this is the only feasible way of securing a valid discharge of the responsibilities of a depository in such cases. The records sent with your letter are herewith returned.

I have the h nor to be,
Sir,
Your most obedient servant,

For Chief Secretary to Government.

ISD

c.n.